IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.428 OF 2007

Ganesh Antram Gangne ..Applicant

Vs.

State of Maharashtra ..Respondent

...

Mr.J.B.Kocheta counsel for applicant
Mrs.A.S.Pai A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 265 of 2006 of Bhosari Police Station Pune. The said case is mainly under Section 302 of IPC.

3. It is the prosecution case that applicant along with other accused assaulted Lande as they did not want Lande to give evidence in Sessions Case No. 67 of 1998 wherein Lande was witness. Lande came to be assaulted with deadly weapons on the head. Lande received multiple injuries in the said

incident.

4. Mr.Kocheta, the learned counsel for the applicant submitted that the applicant has not assaulted Lande and the complainant does not state anywhere that applicant assaulted applicant. However, on perusal of the statement of the complainant, it is seen that he states that applicant was present when the incident took place and at that time, the applicant was armed with deadly weapons. So also other witnesses have stated that applicant was armed with deadly weapons and he was present when the incident was going on. This clearly shows that applicant shared common intention with the other co-accused. There is recovery of "Sattur and clothes having blood stains" at the instance of the applicant. In this view of the matter, I am not inclined to grant bail.

5. Application is rejected.

[V.K.Tahilramani, J.]